

CATEGORICAL EXCLUSION DOCUMENTATION FORMAT FOR ACTIONS OTHER THAN HAZARDOUS FUELS AND FIRE REHABILITATION ACTIONS

Mohave County Flood Alert System Flood Monitoring Devices NEPA Number DOI-BLM-AZ-CO10-2012-0013-CX

A. BACKGROUND

BLM Office: Kingman Field Office

Lease/Serial/Case File No.: AZA 35145 (Silver Mountain)

Proposed Action Title/Type: Right-of-way for flood control weather monitoring device

Location of Proposed Action:

T. 22 N., R. 17 W., Section 8, NESE (Silver Mountain AZA 35145),

Description of Proposed Action:

The proposed action would be to grant a right-of-way to Mohave County for one weather station. The Silver Mountain monitoring device would consist of a 1-foot-diameter standpipe, which would stand about 10 feet tall and would be equipped with weather monitoring sensors, such as a precipitation gauge, a small solar panel (approximately 1–2 square feet), a radio transmitter, an approximately 6-foot-tall antenna mast (mounted about 2 feet below the top of the standpipe), and an approximately 3-foot-long horizontally mounted antenna for directional transmission or vertically mounted for omni-directional transmission. The right-of-way area for these would be 10 × 10 feet (0.002 acre). The construction is anticipated to take two to four hours depending on the number of sensors installed and regular maintenance every six months. The proposed term would be through December 31, 2041.

B. LAND USE PLAN CONFORMANCE

Land Use Plan Name: *Kingman Resource Management Plan/Environmental Impact Statement*

Date Approved/Amended: March 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

LR13a/v: All other minor rights-of-way would be evaluated through the environmental review process and granted on a case by case basis. Existing rights-of-way would be used when possible to minimize surface disturbance.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):
N/A

C. COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 J (3): *Conducting preliminary hazardous materials assessments and site investigations, site characterizations studies and environmental monitoring. Included are siting, construction, installation and/or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samplers.*

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed (see Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

I considered the impacts of granting this right-of-way and there were no extraordinary circumstances with this and, due to the small area affected and the terms and conditions included in the authorization, there would be no potential for significant impacts.

D. SIGNATURE

Authorizing Official: / s / Ruben A. Sanchez Date: 1/18/2012
(Signature)

Name: Ruben Sánchez
Title: Field Manager

Contact Person

For additional information concerning this categorical exclusion review, contact Melissa Patriquin, Lands and Realty, Kingman F.O. 2755 Mission Blvd, Kingman, AZ 86401, phone (928) 718-3706.

Note: A separate decision document must be prepared for the action covered by the categorical exclusion. See Attachment 2.

Attachment 1: Extraordinary Circumstances Review	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No. The proposed monitoring station would have beneficial effects to public health and safety by providing public officials, emergency responders, and the general public with real time monitoring of weather conditions. There are no adverse impacts or significant effects.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.	No. The area disturbed by these would be very small (10 ft. by 10 ft.). Cultural resource inventories were conducted. No significant impacts to resources were found. There would be an on site inspection with the archeologist before any construction would be done to ensure any and all historic resources would be avoided.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No. The environmental effects would be Non-controversial and no conflicts concerning available resources were identified. Similar monitoring devices have been installed with no concerns regarding effects.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No. The environmental effects of this device would be limited to the elimination of a few plants and the displacement of any rodents or insects inhabiting those specific locations. These kinds of impacts are quite common, the effects of similar actions, though not necessarily documented, have been observed for hundreds of years. Similar monitoring devices have been installed in the BLM Kingman area with no significant effects or risks.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No. Any future proposals to install similar devices are discretionary on the part of the BLM Authorized Officer and subject to NEPA.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No. This device is relatively small and its operation and maintenance would not contribute significantly to the altering of the this area's natural landscape by incrementally filling it with human created features as long as the threshold deemed as significant is not exceeded, which is not anticipated to be achieved for many more years, if ever.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No. There are no properties listed, or eligible for listing, on the National Register of Historic Places in within the project location.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No. A biological assessment was prepared and the silver mountain site is within the 10J area for California condor and the rosy boa, but will not jeopardize the continued existence of condor or the rosy boa. No other T&E or proposed species or critical habitat is present.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No. The granting of these right-of-way would not violate any laws or any requirements imposed for the protection of the environment.

Attachment 1 Continued: Extraordinary Circumstances Review	Comment (Yes or No with supporting Rationale)
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p>	<p>No. The effects of the proposed right-of-way would benefit the public as a whole equally.</p>
<p>11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).</p>	<p>No. This site is not known to be sacred, nor would the placement of this monitoring device or the maintenance impact access to any ceremonially used Indian sacred sites on Federal lands.</p>
<p>12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).</p>	<p>No. Although non-native plant species may exist in this area it is not anticipated that the construction, maintenance, operation, or termination of the proposed device would contribute to the introduction or spread of non-native invasive species noxious weeds because no heavy machinery will be used, no noxious weeds were observed, and the area of soil disturbance is small.</p>

EXHIBITS

1. Stipulations: see attached rights-of-way grants.

FORM 2800-14
(August 1985)

Issuing Office
Kingman
Field Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA 35145

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Mohave County Flood Control District
Post Office Box 7000
Kingman, Arizona 86402

receives a right to construct, operate, maintain, and terminate a weather monitoring station within the following described public lands:

Gila and Salt River Meridian, Arizona
T. 22 N., R.17 W., sec.8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

b. The right-of-way granted herein is 10 feet wide, 10 feet long, and contains 0.002 acres, more or less.

c. This instrument will expire on December 31, 2041 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

This grant is exempt from rental charges provided that the facilities occupying the right-of-way meet the requirements for such exemptions found at 43 CFR 2806.14, or as per future regulations established by the Secretary of the Interior.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibits A, B, and C, dated December 21, 2011, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Signature of Authorized
Officer)

(Title)

(Title)

(Date)

(Effective Date of Grant)